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THIS DISPOSITION IS NOT
CITABLE AS PRECEDENT OF THE TTAB DEC. 16, 99

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re Wireless Unified Network Systems Corporation

Serial No. 74/528,633

Stuart E. Beck for Wireless Unified Network Systems
Corporation

G. T. Glynn, Trademark Examining Attorney, Law Office 102
(Thomas Shaw, Managing Attorney)

Before Simms, Seeherman and Bottorff, Administrative
Trademark Judges.

Opinion by Seeherman, Administrative Trademark Judge:

Wireless Unified Network Systems Corporation has
appealed from the refusal of the Trademark Examining
Attorney to register WIRELESS UNIFIED NETWORK SYSTEMS
CORPORATION, with the word CORPORATION disclaimed, as a
mark for "telecommunications services, namely, providing
wireless network communications services using a sub-
orbital high altitude communications network that is

integrated with a land based communications network."¹
Registration has been refused pursuant to Section 2(e)(1)
of the Trademark Act, 15 U.S.C. 1052(e)(1), on the ground
that applicant's mark is merely descriptive of its
services.

Applicant and the Examining Attorney have filed briefs
on the case, and an oral hearing was held before the Board.

In support of his refusal the Examining Attorney has
made of record excerpts taken from the NEXIS database which
show that "wireless network system" is a recognized term
used in connection with communications systems, to wit:

Headline: Wireless World: Seiko
Launches first Global Wireless System
for Affordable Everyday Communications
To promote and implement this wireless
network system, the companies have
created a new international subsidiary..
"Edge," September 19, 1994

Seiko plans to deploy a high speed
global wireless network system that
will use FM radio signals to send
information..
"Computergram International," September
16, 1994

Ericsson, a provider of wired and
wireless network systems, has signed a
\$36 million contract with Intel-Panama,
the national telco of Panama...
"ISDN News," June 20, 1995

¹ Application Serial No. 74/528,633, filed May 24, 1994, and
asserting a bona fide intention to use the mark in commerce.

The company has also indicated its willingness to install and commission the wireless network systems in India, besides marketing GSM and other wireless and developing "solutions" for transmission and fixed wireless networks...

"Newsbytes," April 10, 1995

The Examining Attorney has also submitted NEXIS excerpts showing the use of "unified network" in connection with telecommunications and computers:

Headline: Don't Overlook Satellites;
Satellites Must Get Involved with ISDN
if They are to Fill in Communications
Gaps Between Developed and Developing
Nations

...the long-term ISDN goal, articulated by AT&T as a "graceful evolution of today's telecommunication network toward a powerful, unified network fabric featuring universal ports, dynamic allocation of bandwidth and other resources and adaptive, logically provided services.

"Telephone Engineer & Management,"
March 1, 1987

...high-speed communications lines, such as T1, switched 56-Kbps and ISDN lines, bringing together disparate systems into a unified network.

"Computer Reseller News," April 3, 1995

...mainframe standard above it, the work station standard below it, and the standard for the communications software that joins corporate computers together in a unified network.

"Fortune," February 6, 1984

In addition, the Examining Attorney has shown the Office has consistently treated various phrases containing

the word WIRELESS as descriptive by their registration on the Supplemental Register, or on the Principal Register with a disclaimer, as indicated in the examples below:

WIRELESS DIGITAL ACCESS, (with DIGITAL ACCESS disclaimed), Supplemental Register registration for digital wireless telephone systems...²

WIRELESS SYMPOSIUM AND EXHIBITION (with SYMPOSIUM AND EXHIBITION disclaimed), Supplemental Register registration for the services of arranging and conducting trade shows or exhibitions in the wireless communication field³

WIRELESS COMMUNICATIONS FORUM, Supplemental Register registration for trade journals in the field of wireless communications⁴

WON (WIRELESS OFFICE NETWORKS), (with WIRELESS NETWORK disclaimed), Principal Register registration for wireless office communications services, namely mobile telephone services, paging services and voice messages by telephone⁵

Applicant does not dispute that "wireless network system" describes the nature of the services, or that "'wireless network systems corporation' or 'wireless unified systems corporation' might be merely descriptive of applicant's services," brief, p. 4. However, it asserts that its mark, WIRELESS UNIFIED NETWORK SYSTEMS

² Registration No. 1,561,663.

³ Registration No. 1,835,052

⁴ Registration No. 1,869,061

⁵ Registration No. 1,888,885

CORPORATION, taken in its entirety, creates a unique impression because of a redundancy and awkwardness of the word order. According to applicant, the natural order of these words is "unified wireless network," not "wireless unified network."

A mark is merely descriptive, and therefore prohibited registration under Section 2(e)(1) of the Trademark Act, if it immediately conveys information concerning a quality, characteristic, function, ingredient, attribute or feature of a product or service. **In re Venture Lending Associates**, 226 USPQ 285 (TTAB 1985). See also, **In re Gyulay**, 820 F.2d 1216, 3 USPQ2d 1009 (Fed. Cir. 1987). In this case, applicant's services are the provision of wireless network communications services using a sub-orbital high altitude communications network that is integrated with a land based communications network. In other words, applicant provides a wireless system by means of two networks which are integrated with each other, i.e., a unified network. Potential purchasers, viewing applicant's mark in connection with its identified services, would immediately understand what the services are—a wireless unified network system--and the mark is therefore merely descriptive of a significant characteristic of applicant's services and of

applicant, a corporation that renders such services.⁶ We do not agree with applicant that the language of the mark is awkwardly phrased, nor does the fact that a portion of the mark can form a pronounceable acronym (WUNS) remove the descriptive nature of the mark as a whole.

As for applicant's argument that the mark has not been found in any list, directory or article, it is not necessary that the Examining Attorney present such evidence to support a refusal based on mere descriptiveness. The issue here is not whether the term is generic, but whether, as applied to the identified services, it immediately conveys information about them. As discussed above, applicant's mark does just that.

Decision: The refusal of registration is affirmed.

R. L. Simms

E. J. Seeherman

C. M. Bottorff
Administrative Trademark Judges
Trademark Trial and Appeal Board

⁶ Because applicant has disclaimed exclusive rights to the word CORPORATION in response to the Examining Attorney's initial refusal of descriptiveness, applicant has conceded the descriptiveness of this word and we therefore need not discuss this point further.